



DEFENSE FINANCE AND ACCOUNTING SERVICE

1931 JEFFERSON DAVIS HIGHWAY

ARLINGTON, VA 22240-5291

WWW.DFAS.MIL



AUG 24 2000

DFAS-HQ/FMM

MEMORANDUM FOR DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
CLEVELAND CENTER
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
DENVER CENTER
DIRECTOR DFAS CENTER FOR OPERATING FORCES -
INDIANAPOLIS
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE
KANSAS CITY CENTER

SUBJECT: Change to the DoDFMR, Volume 7A, Disability Pay for Reservist After
September 29, 1988 (DFAS Item Number J-9)

This is interim change 26-00 to Table 57-3 of the DoDFMR, Volume 7A. This change is effective November 18, 1997.

The purpose of this change is to comply with title 37 of the United States Code § 204(g), regarding disability pay for a reservist who is physically disabled in the line of duty. The disability must have been incurred while remaining overnight immediately before the start of inactive duty training, or while remaining overnight between successive periods of inactive duty training, if the site is outside reasonable commuting distance from his or her residence.

We have evaluated your comments on the draft change to the DoDFMR, Volume 7A. The attached final version of the change incorporates your comments where appropriate. Assignment of an interim change number is your authority to start a procedural modification, if necessary, to facilitate this change. For the Denver Center, use the attached to initiate the formal printed change to the DoDFMR, Volume 7A, and the interim change

Jerry S. Hinton
Acting Director for Finance

Attachment:
As stated

cc: OUSD(C)ODCFO(FD)
DASD (MPP)(Comp)
ODGC (F)
DFAS-DE/DG
Service Liaisons
USCG/NOAA/PHS Liaisons
MPMPO

1. Replace Table 57-3 with the new Table 57-3 which adds new rules 10, 11, and 12.
2. Replace Tables 57-4 and 57-5 with new Table 57-4 and 57-5. Editorial changes were only made to the new tables 57-4 and 57-5.
3. Revise bibliography as follows:

ParagraphCitation

Table 57-3

Rules 10, 11, and 12

37 U.S.C. 204(g)
and 204(h)

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED OR AGGRAVATED AFTER SEPTEMBER 29, 1988)

R U L E	A	B			C	D
	If a member is physically disabled in line of duty while	and he or she is			then he or she is entitled to	and
		not fit for military duty	fit for military duty and can show lost civilian income			
			Yes	No		
1	serving on ordered active duty, or while traveling directly to or from such active duty (notes 1 and 10)	X			active duty pay and allowances for the period of the orders, plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances, less the full amount of all civilian earned income received for the disability period, for not more than a total of six months. (notes 2, 4, 6, 7, and 11)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. He or she is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. He or she is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8).
2			X		active duty pay and allowances for the period of orders, plus authorized travel time. Thereafter, the member is entitled, upon request, to a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)	
3		X			active duty pay and allowances for the period of the orders, plus authorized travel time	
4	performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 9)	X			inactive duty training compensation for the day (both periods if two had been scheduled). If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances, less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2, 4, 6, 7, and 11)	
5			X		inactive duty training compensation for the day (both periods if two had been scheduled). Thereafter, the member is entitled, upon request, to a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)	
6				X	inactive duty training compensation for the day (both periods if two had been scheduled).	

Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988)

R U L E	A	B		C		D
	If a member is physically disabled in line of duty while	and he or she is			then he or she is entitled to	and
		not fit for military duty	fit for military duty and can show lost civilian income			
			Yes	No		
7	traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 9)	X			beginning on the day of disability, pay and allowances less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2, 4, 6, 7, and 11)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. He or she is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. He or she is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8).
8			X		beginning on the day of disability, and upon request, a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)	
9				X		
★10	remaining overnight immediately before the start of inactive duty training, or while remaining overnight between successive periods of inactive duty training, if the site is outside reasonable commuting distance from his or her residence	X			beginning on the day of disability, pay and allowances less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2, 4, 6, 7, and 11)	
★11			X		beginning on the day of disability, and upon request, a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)	
★12				X		

NOTES:

1. A member is considered to be traveling to the duty or training site upon departing residence with the intention of going directly to such duty or training site. A member is considered to be traveling from the duty or training site upon direct return to residence after completion of the duty or training.
2. Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in discontinuation of pay and allowances.
3. Lost civilian earned income is the difference between the member's normal wages or salary or other earnings (including self-employment earnings) that would have been payable for the disability period had the member been fully engaged in civilian employment, less any payments the member received. Civilian earned income does not include retirement income. The member must report all income from an income protection plan, vacation pay or sick leave that is received during the disability period. If the sum of all these equals or exceeds the member's usual and customary earned income, no pay and allowances payments will be made. Any payments to the member will first be paid as the basic pay element and then, if necessary, as allowances (BAH and BAS).
4. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of the disability. However, there is no entitlement if, while traveling to or from the training or duty site, the member was disabled because of his or her gross negligence or misconduct. This entitlement will be factored into the pay and allowances payable so that total payments to the member for the disability period do not exceed the pay and allowances of a member of the Regular Component.
5. Any military duty which the member performs will be factored into the pay and allowances payable in note 3 so that the total payments to the member do not exceed the pay and allowances of a member of the Regular Component.

Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988)

6. The Secretary of the Military Department concerned may extend the period of entitlement beyond 6 months in the interests of fairness and equity.
7. There is no entitlement to pay and allowances beyond the training or duty period if the disability resulted from the member's gross negligence or misconduct.
8. There is no entitlement to medical and dental care if the member is disabled because of gross negligence or misconduct and the disability occurred while traveling to or from the training or duty site.
9. Does not include work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an educational institution under the sponsorship of an Armed Force or the Public Health Service.
10. A member who is called to active duty to undergo a physical examination, not incident to a call to active duty for more than 30 days, becomes entitled to provisions of rule 1, 2, or 3, as applicable, on the day of incurrence of disability.
11. Earned income is the total amount a member received from civilian employment or self-employment. It includes receipts from an income protection plan, vacation pay, or sick leave the member elects to receive.

Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988) (Continued)

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED OR AGGRAVATED BETWEEN NOVEMBER 15, 1986 AND SEPTEMBER 29, 1988 INCLUSIVE)						
R U L E	A	B			C	D
	If a member is physically disabled in line of duty while	and he or she			then he or she is entitled to	and
		demonstrates lost civilian compensation but is fit for military duty	can demonstrates lost civilian compensation but is not fit for military duty			
			Yes	No		
1	serving on ordered active duty for more than 30 days or while traveling to or from such active duty (note 1)				active duty pay and allowances for the period of the orders plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability and the member is unfit to perform normal military duty per proper medical authority, entitlement exists to pay and allowances commensurate with the regular forces. (notes 2 and 3)	medical and dental care (including hospitalization), and other treatment appropriate for the disability which is commensurate for the regular forces.
2	serving on ordered active duty undergoing a physical examination which is incident to an active duty assignment of more than 30 days, or while traveling to or from such physical examination (note 1)					
3	serving on ordered active duty for 30 days or less, or while traveling directly to or from such active duty (note 1)	X			active duty pay and allowances for the period of the orders plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to disability pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, which-ever is less (notes 2, 4, 7, 8, and 9)	
4	serving on ordered active duty for 30 days or less, or while traveling directly to or from such active duty (note 1)		X		active duty pay and allowances for the period of the orders, plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 5, 8, and 9)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. He or she is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10).
5				X	active duty pay and allowances for the period of the orders, plus authorized travel time (note 6)	

Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive)

R U L E	A	B			C	D
	If a member is physically disabled in line of duty while	and he or she				
		demonstrates lost civilian compensation but is fit for military duty	can demonstrates lost civilian compensation but is not fit for military duty			
			Yes	No		
6	performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 11)	X			inactive duty training compensation for the day (both periods if two had been scheduled). If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9)	
7	performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 11)		X			medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. He or she is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10).
8				X	inactive duty training compensation for the day (both periods if two had been scheduled). (note 6)	
9	traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 11)	X			an amount which equals the member's lost civilian compensation or pay and allowances, whichever is less, for the day disabled. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9)	
10	traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 11)		X			medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. He or she is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10).
11				X	(note 6)	

Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive) (continued)

NOTES:

1. A member is considered to be traveling to the duty or training site upon departing residence with the intention of going directly to such duty or training site. A member is considered to be traveling from the duty or training site upon direct return to residence after completion of the duty or training.
2. Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in discontinuation of disability pay and allowances.
3. Entitlement to pay and allowances for disability beyond the period of the ordered active duty tour is not affected by resumption of normal civilian occupation, including government civilian occupation.
4. Lost civilian compensation is the difference between member's normal wages or salary or other earnings that would have been payable for the disability period had the member been fully engaged in civilian employment, less any reduced payments made to the member. Civilian earned income does not include retirement income. The member must report all leave payments and income protection payments that are received during the disability period. If the sum of these income protection plan or sick leave payments equals or exceeds the member's lost civilian compensation, no pay and allowances payments will be made. Any payments to the member will first be paid as the basic pay element and then, if necessary, as allowances (BAH and BAS).
5. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of the disability. This entitlement will be factored into the pay and allowances payable in note 4 so that total payments to the member for the disability period do not exceed the pay and allowances of a member of the Regular Component.
6. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of disability incurred in the line of duty while at the training or duty site. Additionally, the member is entitled to the compensation described in the preceding sentence if disabled while traveling to or from the training or duty site unless the disability resulted from the member's gross negligence or misconduct.
7. Any military duty which the member performs will be factored into the pay and allowances payable in note 4 so that the total payments to the member do not exceed the pay and allowances of a member of the Regular Component.
8. Entitlement to disability pay and allowances exists for a period not to exceed a total of 6 months unless the Secretary of the Military Department concerned determines otherwise.
9. There is no entitlement to disability pay and allowances or medical and dental care if the member is disabled because of gross negligence or misconduct and the disability occurred while traveling directly to or from the training or duty site.
10. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS.
11. Does not include work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an education institution under the sponsorship of an Armed Force or the Public Health Service.

Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive) (continued)

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED BEFORE NOVEMBER 15, 1986)					
R U L E	A	B		C	D
	If a member of	is disabled in the line of duty due to		while	then the member is
		injury	disease		
1	a Reserve Component	X		serving on active duty for any period of time, or while performing authorized travel to or from such duty or training (note 1)	entitled to active duty pay and allowances until the orders terminate. If disability continues beyond the termination of orders, or if there is a subsequent recurrence of the disability, and the member is unfit to perform normal military duty per medical authority, entitlement exists to active duty pay and allowances and medical benefits commensurate with the Regular forces (notes 2, 4, 5, and subparagraph 570604.B.5)
2			X	serving on active duty for a period of more than 30 days (except for additional training of 45 days or less under 10 U.S.C. 270(b)) or while performing authorized travel to or from such duty	
3		X		ordered to temporary duty for physical examination incident to an active duty assignment and is disabled while traveling to or from the temporary duty station	
4				performing inactive duty training (including additional flying training periods)	entitled to inactive duty training compensation for the day member is disabled. If disability continues beyond the inactive duty training date, or if there is a subsequent recurrence of this disability, and the member is unfit to perform normal military duty per medical authority, entitlement exists to active duty pay and allowances and medical benefits commensurate with the Regular force (notes 2, 4, and 5).
5	a Reserve Component, other than Navy and Marine Corps Reserve		X	performing additional training of 45 days or less under 10 U.S.C. 270(b)	entitled to the basic pay and allowances to which entitled at the time the disease was contracted. Such entitlement exists during periods of hospitalization or rehospitalization but not for more than a total of 6 months after the end of the member's prescribed tour of duty or training. He or she is entitled to subsistence during periods of hospitalization or rehospitalization past the period of entitlement to pay and allowances (notes 2 and 6).
6				serving on active duty for 30 days or less	
7	the Navy or			serving on active duty for 30 days or less	not entitled to pay and allowances beyond the date authorized by the orders (note 3).
8	Marine Corps Reserve			performing additional training of 45 days or less under 10 U.S.C. 270(b)	
9	a Reserve Component			performing inactive duty training (including additional flying training periods)	not entitled to pay and allowances beyond the date of performance of such inactive duty training.

NOTES:

- For the purpose of medical and disability entitlements, a member is considered in a travel status upon departing residence with the intention of going directly to the place where ordered to perform duty and terminates upon direct return to residence upon completion of the tour of duty.
- Member is also entitled to hospitalization, rehospitalization, and medical and surgical care in a hospital or at home. Entitlement exists only until the disability cannot be materially improved by further hospitalization or treatment. Member is also entitled to necessary transportation to the hospital and return home.
- Member is entitled to receive medical, hospital, and other treatment appropriate for the disability at government expense. The treatment will be continued until the disability resulting from the illness or disease cannot be materially improved by further treatment. Such a member is also entitled to necessary transportation and subsistence incident to treatment and return to home upon discharge from treatment.
- Entitlement to active duty pay and allowances and medical benefits commensurate with the Regular forces is not affected by resumption of normal civilian occupation and includes government civilian occupation.
- Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in the discontinuance of active duty pay and allowances.
- The term "hospitalization or rehospitalization" is meant to include periods of disability while under medical treatment in an outpatient status. See paragraph 570604.

Table 57-5. Disability Entitlements for the Reserve Forces (For Disabilities Incurred Before November 15, 1986)